

because Stokes's name had been universally accepted by protozoologists. Foissner's resurrection of Fromentel's name has not been universally accepted, and both names are now finding frequent use in the literature. The reason for this unfortunate state of affairs is that a controversy that was settled by mutual agreement among protozoologists over a century ago was reintroduced in 1987 for no apparent reason. This has generated chaos out of the stability that had existed for the century preceding Foissner's publication. It is interesting to note that Corliss put some emphasis on an 'Informationsbericht' of the Bavarian State Office of Water Commerce released in 1991, but this has to be regarded as 'grey literature' for taxonomic purposes and should probably not be cited as a scientific publication because it is not generally available as a book or journal issue. A part of this work has been published in English in the journal *Freshwater Biology*, but this part does not relate to the case discussed here.

In addition to the above, it could be suggested that Fromentel's name *Strombidion caudatum* should itself be rejected for this taxon under the Principle of Priority. As Petz & Foissner themselves pointed out, the name *Trichoda cometa* Müller, 1773, was recorded by Dingfelder (1962, p. 606) as a senior synonym of Fromentel's name and used as valid. Although Petz & Foissner (1992, p. 160) said that this synonymy was 'uncertain', they listed the possible synonymy of *Trichoda bomba* Müller, 1773 and *Trichoda trochus* Müller, 1786, but added that 'these three poorly described ciliates are best considered nomina dubia'. If priority is to be the main ground for establishing validity, it could be argued that the earliest one of these names should be chosen. They are names that were 'overlooked' for the same reason that Fromentel's name was not accepted by Kahl (1932) — the description was too poor to permit the ciliate to be recognized unequivocally. With so many old names to choose from, the amount of instability that can be introduced into the scientific literature is almost limitless. I urge that the suppression of *Strombidion caudatum* Fromentel, 1876 as proposed in my application should be approved, with the conservation of the established usage of *Strobilidium gyrans* (Stokes, 1887).

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*Haminoea*, *Haminaea* or *Haminea* (Mollusca, Gastropoda): notes and comments on the spelling and authorship of the generic name, and a proposed Commission ruling (Case 2588; see BZN **44**: 166–167; **47**: 263–269)

(1) P.K. Tubbs

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In December 1986 Dr R. Gianuzzi-Savelli (Palermo, Italy) submitted an application proposing that *Haminoea* should be confirmed as the correct original spelling of the gastropod generic name sometimes spelled *Haminaea* or *Haminea*, and that it

should be attributed to the authorship of Turton & Kingston, 1830. This was published as Case 2588 (BZN 44: 166-167; September 1987). With slight modifications the proposals were sent for voting in March 1989 and were accepted by the Commission, with two members voting against on procedural grounds. However, no Opinion was published because some comments led to further bibliographic searches and correspondence, and as a result of these a revised application was published (BZN 47: 263-269; December 1990) in the names of R. Gianuzzi-Savelli and A. Gentry. This proposed that the spelling and authorship of the name should be taken as *Haminaea* Leach, [1820].

The second application traced the history of the various spellings in detail. It is clear that the name, in its various forms, derives from a name '*Haminaea*' which appeared in proofs printed for W.E. Leach in 1818 and 1820; Leach's texts were only published posthumously many years later (in 1847 and 1852) but were known to conchologists long before, either from the proof sheets or from hand-written copies. The first spelling published in the meaning of the Code was *Haminioea*, by Turton in 1830 (it is likely, as recounted in BZN 47: 265, para. 5, that Turton alone was the author of the published name and description).

Following the revised application, comments were received from R. Burn (Australia), P. Bouchet (France), P.M. Mikkelsen (U.S.A.) and R.C. Willan (Australia). All supported the original proposition (BZN 44: 166-167) that the spelling *Haminioea* should be accepted as correct, on the grounds that it had the greatest usage and was the first properly published version. Bouchet and Burn were opposed to any ruling on the status of Leach's ms. works in the absence of studies on other names which occurred in them, and Bouchet noted that four names of related genus-group taxa terminated in *-haminioea*.

Unfortunately none of these comments was published, and in November 1998 their authors were approached for their current views. Both they and others have responded, and it is clear from the comments below that *Haminioea* remains the favoured option. Since the publication of the revised application (BZN 47: 263-269) in 1990 there has been usage by some European authors of the name *Haminaea*, but in at least some instances this has been due to the mistaken impression that this spelling had been conserved by Commission action following the second application.

In the light of the comments it is now proposed (see p. 56 below) that the Commission should confirm that the spelling *Haminioea* is correct, and that the authorship should be attributed to Turton (1830). The present proposals, which do not involve setting aside any provision of the Code (i.e., the use of the Commission's plenary powers), are in effect those accepted by the Commission in 1989, and Dr Giannuzzi-Savelli has agreed (see below) to the withdrawal of the second application (which proposed that the spelling *Haminaea* be conserved from Leach, [1820]).

(2) Riccardo Gianuzzi-Savelli

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In the light of the comments which have been received I now believe that the spelling *Haminioea* should be adopted, as I had proposed in my first application. I hope there will be an Opinion to this effect as soon as possible, since at present there is unfortunately instability, which is the opposite of what I sought.

## (3) Robert Burn

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I strongly believe that the name *Haminoea*, validly published by Turton (in Turton & Kingston, 1830) should be maintained in the interests of both stability and priority. I would greatly welcome an Opinion to this effect. I also believe that to accept even one name (e.g. *Haminaea*) from Leach's unpublished manuscripts of 1818 and 1820 would be to open a veritable 'can of worms'.

## (4) Richard C. Willan

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I urge the Commissioners to vote in favour of the spelling *Haminoea* in the interests of priority, continuity and stability.

*Priority and availability*

1. That *Haminoea* is the oldest available name for this genus of opisthobranch gastropod is not contested. It was introduced by Turton (in Turton & Kingston, 1830) with type species *Bulla hydatis* Linnaeus, 1758 by monotypy.

2. The alternative name, *Haminaea* of Leach, refers to the same taxon and (a) only appeared in manuscripts in 1818 and in 1820, (b) was only validly published in 1847, (c) occurred there only in a list, (d) had three specific names attached to it, none being noted or denominated as the type species, and (e) had ambiguous original scope.

3. The argument in the second application (1990) recommending that the manuscript name *Haminaea* Leach, [1820] be deemed nomenclaturally available is unsustainable. There is simply no place for such an argument when there exists another, much more widely used name for the same genus.

*Continuity and stability*

The name *Haminoea* is unequivocally the most widespread in the literature from 1830 to 1990. With virtually no exceptions (less than 5 to my knowledge; and these could be unintentional errors in a name which is vulnerable to mistakes), *Haminoea* has been the spelling employed exclusively by taxonomists in Australia, New Zealand, Japan, elsewhere in Asia, Oceania, North America and South America throughout this entire period.

Although the spelling *Haminaea* has been reintroduced by some European workers since 1990 under the supposition that this name had been conserved by the Commission following the second application, the majority of workers around the world have continued to use *Haminoea*. This name appears in influential books and monographs taking an overview of the fauna of whole regions, whole geological epochs and/or major overviews of morphology. These include the works cited below, and I estimate I could make a list of 200 usages of *Haminoea* since 1990.

Some Japanese authors have used the stem *-haminoea* to create new genera for species closely related to *Haminoea* (e.g. *Lamprohaminoea* Kuroda & Habe, 1952, *Sericohaminoea* Habe, 1952).

The conclusion in the second application that 'stability in the nomenclature would be better served by conserving *Haminaea*' (BZN 47: 266, para. 8) is quite wrong. In fact, this act would inevitably lead to confusion and instability, an observation stressed by others. One by-product of this suggestion of accepting *Haminaea* Leach,

[1820] was a request to the Commission to 'suppress' two of Leach's ms. works, *The classification of the British Mollusca* ([1818]) and *A synopsis of the Mollusca of Great Britain* ([1820]), while at the same time conserving *Haminaea* from the latter; this concept is highly unpalatable.

The taxonomists who sent comments on the second application strongly favoured *Haminoea*, and the additional molluscan researchers whom I have recently contacted take this view. These workers, some of whom will no doubt send messages themselves, are Klussman-Kolb (Germany), Fukuda (Japan), Rudman (Australia), J.E. Morton (New Zealand), Miller (New Zealand), B.A. Marshall (New Zealand), Bryce (Australia), Carlson (Guam), Brunckhorst (Australia), Kilburn (South Africa), Brodie (Australia), Spencer (New Zealand), Wagele (Germany), J.G. Marshall (Australia), Johnson (U.S.A.), Harris (U.S.A.), Millen (Canada), Schrodler (Germany) and Sachidhanandam (Singapore).

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(5) W.B. Rudman

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Most workers outside Europe have always used the name *Haminoea*. The spelling *Haminaea* has had some European usage since 1990, but clearly because those authors considered that the second application had some status (though the Commission has never voted upon it).

The spelling *Haminoea* is the earliest available name, and to set aside the normal rules by validating a name from an unpublished work would cause confusion and overturn existing usage. I support the comments and the reasons which have been put forward by others, and I urge the Commission to rule in favour of the name *Haminoea*.

(6) C.W. Bryce

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I would like to express my support for the arguments for retention of the popularly used spelling of *Haminoea*. This is the spelling used by Dr. Fred Wells and myself in our book *Sea Slugs and their relatives of Western Australia* (1993).

(7) Hamish G. Spencer

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I would like to add my support to those who argue for the retention of *Haminoea*. This spelling, which has undisputed priority as a nomenclaturally available name, has been used exclusively by all New Zealand authors (including those of three recent major checklists). I see no reason to depart from usual practice by using *Haminaea*.

(8) Philippe Bouchet

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As I mentioned in a comment sent in 1991, there are at least four genus-group names ending in *-haminoea*, and I have found none based on the root *-haminaea*.

As I also mentioned, and as documented by Gianuzzi-Savelli & Gentry, Leach's manuscripts were known to conchologists from 1820 onwards but they remained unpublished in the sense of the Code. A precedent would be set, and presently undetected difficulties may be caused, if the Commission makes any ruling treating Leach's works as having been published. Clearly the second application is based on a much more thorough study of the background, but the first application may be right for the outcome. I recommend that the spellings *Haminoea* and HAMINOEIDAE be accepted.

(9) Michael Schroedl

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*Haminoea* is (a) the spelling we are all familiar with; (b) the earliest validly published name; (c) historically, it is the most widely used spelling; (d) it is the only spelling ever used by Asian, Australian, New Zealand and North American authors. I understand that the original application for its retention was accepted by a majority of ICZN Commissioners, and there is the additional very good point that four related genus-group names end in the termination *-haminoea* (e.g. *Lamprohaminoea*).

(10) Julie Marshall

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I should like to support the continued use of the name *Haminoea* as it is the first name to be validly published and, most importantly, as has been documented by others, it has for a very long time been the spelling of the name in most common usage. It is the name we are familiar with and are continuing to use, and I strongly urge that it be retained.

(11) T.M. Gosliner

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It has recently come to my attention that the Commission is going to review Case 2588 regarding the genus-group name *Haminoea*. I strongly advocate employing this spelling, the first published name and the one used by most specialists of opisthobranch molluscs. The Principle of Priority should only be departed from if it severely disrupts stability, and in this case the principle actually maintains usage. In the case of *Haminoea*, other spellings have been sporadically used, generally by workers compiling faunal lists from other sources and not in primary systematic treatments. There is no case, either of priority or stability, for using either *Haminaea* or *Haminea*.

(12) Paula M. Mikkelsen

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Pursuant to Case 2588 regarding *Haminoea/Haminaea/Haminea*, I offer the following comments supplemental to those earlier presented by myself, Richard Willan and Philippe Bouchet. There has been some usage of the spelling *Haminaea* since the publication of the revised application (Gianuzzi-Savelli & Gentry, 1990), although even since then most major works have continued to use *Haminoea*. Clearly a formal ruling is urgently needed, especially now.

As I mentioned previously, up to 1990 *Haminoea* was the most used spelling, followed by *Haminea*; *Haminaea* had been used very seldom, and according to my records the proposal in the second application that it should be adopted would not be in the interest of stability.

I have assembled a list of 13 papers from my files since 1991 that have used *Haminaea* (see below). However, these papers come from only a small number of groups and all of them are decidedly non-comprehensive in nature; nearly half were written by non-systematists. The use of the spelling *Haminaea* in these papers is, in my opinion, a direct result of the fact that this case has not been resolved by the Commission. Of the 13 references, 6 used the spelling without comment while the other 7 cited one or both of the applications. Garcia et al. (1991) cited the 1990 petition as 'pending', while Martinez & Ortea (1997) and Schaefer (1992) mentioned both applications, the former authors interpreting the 5-8 years of indecision as license to choose either spelling. Gibson (1995) and Gibson & Chia (1994, 1995) cited

the second (1990) application without comment, as though it was a Commission ruling. I have, in the intervening years, encountered and corrected more than one of these kinds of statements in papers I have peer-reviewed. It is interesting that Gibson & Chia (1989a, b) used the spelling *Haminoea* prior to the 1990 petition for *Haminaea*.

My survey of post-1990 usage points to two facts: (1) the willingness of authors to follow ICZN rulings (albeit prematurely in these cases), but also (2) the insistence by specialists in opisthobranch biology and systematics on use of the spelling *Haminoea*.

I trust that the ICZN will finally bring this long-overdue Case to conclusion, and regardless of outcome, publish in the *Bulletin* the comments submitted to them.

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